



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1930
FACSIMILE
(213) 613-4751
TDD
(213) 633-0901

MARY C. WICKHAM
Interim County Counsel

December 1, 2015 **ADOPTED**

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

#17 OF DECEMBER 1, 2015 Agenda No. 8
10/27/15

PATRICK OGAWA
ACTING EXECUTIVE OFFICER

**Re: PROJECT NUMBER R2014-00667-(4)
CONDITIONAL USE PERMIT NUMBER 2014-00028-(4)
PARKING PERMIT NUMBER 2014-00009-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously held a duly-noticed public hearing on the above-referenced project to authorize development of a 53-unit condominium project at 14000 Telegraph Road in the unincorporated community of South Whittier. At the completion of the hearing, you indicated an intent to approve the conditional use permit and parking permit associated with the project and instructed our office to prepare findings and conditions for approval. Enclosed are findings and conditions for your consideration.

Very truly yours,

MARY C. WICKHAM
Interim County Counsel

By
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

THOMAS J. FAUGHNAN
Senior Assistant County Counsel

EML:ph
Enclosures

c: Sachi A. Hamai, Chief Executive Officer
Patrick Ogawa, Acting Executive Officer, Board of Supervisors

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. R2014-00667-(4)
CONDITIONAL USE PERMIT NO. 2014-00028-(4)
PARKING PERMIT NO. 2014-00009-(4)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on October 27, 2015, in the matter of Conditional Use Permit No. 2014-00028-(4) ("CUP") and Parking Permit No. 2014-00009-(4) ("Parking Permit"), heard concurrently with Vesting Tentative Tract Map No. 072684-(4), General Plan Amendment No. 2014-00002-(4) ("Plan Amendment"), and Zone Change No. 2014-00002-(4) ("Zone Change"), collectively Project No. R2014-00667-(4) (the "Project"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Project on September 2, 2015.
2. The permittee, Brandywine Homes, ("Brandywine" or "Permittee"), proposes a 53-unit residential condominium development on two new multi-family lots (Lot No. 1 and Lot No. 2) on 3.67 gross acres. The 53 condominiums will be located in 12 buildings with 2 to 6 units in each building. Project amenities include a 506-square-foot club house, a 855-square-foot recreation area, and a 1,361-square-foot community garden.
3. The CUP is requested to establish the Development Program ("DP") Zone to ensure that development occurring after rezoning will conform to the approved plans and be compatible with the surrounding area. The CUP is also sought to modify the front-yard setback from the minimum 15 feet, to setbacks ranging from 10 to 12 feet, and the side-yard setback for the bicycle rack from 5 to 2 feet; and the wall height maximum of 42 inches (3.5 feet) within the front yard and 6 feet within the side and rear yards to heights ranging from 6 to 16 feet.
4. The Parking Permit is requested to authorize reduction of 1 guest parking space for Lot No. 1, relocation of 1 guest parking space from Lot No. 1 to Lot No. 2, and modification of parallel parking space requirements from 10 feet by 24 feet to 10 feet by 22 feet.
5. The Vesting Map, dated November 19, 2014, is a related request to subdivide the property into two proposed lots: Lot No. 1 with 1.21 gross acres and Lot No. 2 with 2.46 gross acres ("Project Site") to allow for the development of the condominiums.
6. The Plan Amendment is a related request to amend the 1990 Los Angeles Countywide General Plan ("1990 General Plan") Land Use Policy Map ("Land Use Policy Map") by amending the Project Site's land use designation from "O" (Open Space) and "1" (Low Density Residential, one to six dwelling units per acre) to "3" (Medium Density Residential: 12-22 dwelling units per acre) under the 1990 General Plan. Subsequent to the Board's hearing on the Project, a new

countywide General Plan took effect (the "Updated General Plan"). Under the Updated General Plan, the Category "3" land use designation no longer exists. The land use designation under the Updated General Plan most similar to the Category "3" designation is H30, which is a residential designation allowing up to 30 dwelling units per acre. Accordingly, upon approval of the Plan Amendment, the Project Site will be identified as H30 on the Land Use Policy Map of the Updated General Plan.

7. The Zone Change is a related request to amend the Project Site's zoning from Zones C-3-BE (Unlimited Commercial-Billboard Exclusion) and A-1 (Light Agricultural) to Zone R-3-DP (Limited Multiple Residence-Development Program).
8. The approval of the CUP, Parking Permit, and Vesting Map will not become effective unless and until the Board has approved the Plan Amendment and Zone Change, and both have become effective.
9. The Project Site consists of property identified as Assessor's Parcel Number 8030-023-024 and a portion of an existing golf course property identified as Assessor's Parcel Number 8030-008-011. The Project Site is located at 14000 Telegraph Road in the unincorporated community of South Whittier within the Candlewood Country Club golf course.
10. The Project Site is located in the Sunshine Acres Zoned District and is currently zoned C-3-BE (Unlimited Commercial-Billboard Exclusion) and A-1 (Light Agricultural) and the land use designation on the project site is "O" and "1" under the 1990 General Plan Land Use Policy Map.
11. Surrounding zoning within a 500-foot radius includes:
 - North: A-1, R-A-6000 (Residential-Agricultural-6,000 Square Feet Minimum Lot Area);
 - South: A-1, R-1 (Single-Family Residence);
 - East: A-1, R-1; and
 - West: A-1, A-1-P (Light Agricultural-Parking), and C-2-BE (Neighborhood Commercial – Billboard Exclusion).
12. Surrounding land uses within a 500-foot radius include:
 - North: Church and related school, single-family residences, mobile home park;
 - South: Country club and golf courses;
 - East: Single-family residences; and
 - West: Country club and golf courses.
13. A portion of the proposed Lot No. 2 now zoned A-1 has been zoned A-1 since 1941. Another portion of proposed Lot No. 2 and proposed Lot No. 1, now zoned C-3-BE, was zoned A-1 in 1941, rezoned to C-3 in 1946, and later rezoned to its

current C-3-BE zoning in 1984. The proposed lots are a portion of prior Tract No. 3014.

14. There are several previous cases related to the Project Site:
- RPP 2008-01559 (Plot Plan), approved one monument sign for the Candlewood Country Club on July 9, 2009.
 - RCUP 2009-00049 (Conditional Use Permit), approved a Wireless Telecommunications Facility ("WTF") on July 28, 2010.
 - REA 2012-00223 (Revised Exhibit "A"), approved the removal of existing antennas and added new antennas on March 18, 2013.
 - REA 2013-00132 (Revised Exhibit "A"), approved modification of a WTF on June 4, 2013.
 - RCOC (Certificate of Compliance) 2013-00114, approved a parcel with Assessor Parcel Number 8030-008-011, which recorded on March 3, 2014.
 - RLLA 2014-00024 (Lot Line Adjustment), approved a correction to RLLA 2013-00010, which recorded on March 24, 2015.
 - REA 2015-00079 (Revised Exhibit "A"), approved addition of new antennas on April 14, 2015.
 - RLLA 2013-00010 (Lot Line Adjustment), approved a lot line adjustment for four parcels recorded on April 14, 2015.
 - RPP 2014-00253 (Plot Plan) filed on March 12, 2014, and currently is a pending plot plan case for a new golf cart barn.
15. The Vesting Map depicts two proposed lots: Lot No. 1 with 1.21 gross acres and Lot No. 2 with 2.46 gross acres. Primary access to the Project Site will be an entrance/exit on Bramblebush Avenue from Telegraph Road. Lot No. 1 is east of Bramblebush Avenue; Lot No. 2 is west of Bramblebush Avenue. The Project Site is also accessible from Honeysuckle Lane. Development of the 2 lots proposes 20 units on Lot No. 1 in 4 buildings and 33 units in 8 buildings on Lot No. 2. The proposed Project includes a recreational area (club house and two decks with seating) totaling 1,361 square feet, and a 1,680-square-foot community garden.
16. Lot No. 1, which is currently vacant, was used previously as part of the existing golf course and as a surface parking lot. Lot No. 2 is part of the existing golf course and contains a 3,640-square foot cart barn. The existing cart barn is proposed to be demolished to accommodate the Project and 2 new cart barns (2,872 square feet and 2,816 square feet) are proposed on the existing golf

course. Lot No. 2 previously included a petroleum oil well and associated piping and storage tanks, but the oil well has been abandoned.

17. Each of the 53 condominium units will have an attached garage with 2 covered parking spaces. Based on the number of units per lot, 5 guest parking spaces would be required for Lot No. 1 and 8 guest parking spaces for Lot No. 2. With the Parking Permit, guest parking will be reconfigured to provide 4 guest parking spaces on Lot No. 1 including 1 van-accessible disability parking space and 2 parallel parking spaces. Lot No. 2 will provide 14 guest parking spaces including 1 van-accessible disability parking space. The parallel parking spaces will be 10 feet by 22 feet rather than 10 feet by 24 feet.
18. The Board finds that compliance with these parking requirements will be ensured through the Parking Permit and that the parking provided is adequate to serve the Project Site.
19. Internal circulation and access for the Project will be provided by a private driveway and fire lane system with a paved width of 26 feet. For Lot No. 1, the internal circulation system consists of one component, "C" Drive. The internal circulation system for Lot No. 2 consists of two components, "A" Drive and "B" Drive.
20. The proposed condominium units will be connected to public sewer and water systems.
21. Prior to the public hearing on the Project, beginning from February 2012 until most recently in July 2015, the Permittee met with members of the Whittier County Community Coordinating Council and area residents, and held neighborhood meetings regarding the Project.
22. The County Subdivision Committee (County Departments of Public Works ("Public Works"), Fire, Parks and Recreation ("Parks"), and Public Health ("Health")) reviewed and cleared the Project for hearing based on maps dated November 19, 2014, subject to conditions which are included in the Project conditions.
23. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of Title 22 of the County Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, property posting, and departmental website posting.
24. Prior to the Commission's public hearing on the Project, an Initial Study was prepared for the Project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. Based on the Initial Study, the Department of Regional Planning ("Regional Planning") determined that a Mitigated Negative Declaration ("MND") was the appropriate environmental document for the Project. The

mitigation measures necessary to ensure the Project will not have a significant effect on the environment are contained in the Mitigation Monitoring and Reporting Program ("MMRP") prepared for the Project.

25. At the Commission's public hearing on September 2, 2015, after the presentation by the staff of the County Department of Regional Planning ("Regional Planning"), there were three public speakers. Speaking in favor of the Project were Brandywine's project manager and a board member from the country club. An area resident questioned how aesthetics would be improved and property values increased by the Project and also raised concerns about increased traffic and unsafe traffic conditions as a result of the Project. One of the Commissioners also inquired about possible traffic problems due to Project residents turning left off Telegraph Road into the Project Site. In response to the traffic inquiries, the Brandywine representative stated that, while traffic studies showed no impacts, Brandywine would conduct further traffic studies and work with Public Works regarding traffic concerns. As to aesthetics, the applicant pointed out proposed improvements to the streetscape and also noted that Brandywine had replaced a proposed pool with the community garden.
26. After closing its public hearing, the Commission approved the Vesting Map, CUP, and Parking Permit and recommended that the Board adopt the Plan Amendment and Zone Change. Pursuant to Section 22.60.230.B.2 of Title 22 of the County Code, the Vesting Map, CUP, and Parking Permit were deemed called up for review by the Board to be considered concurrently with the recommended Plan Amendment and Zone Change.
27. Prior to the Board's public hearing on the Project, between the Commission and Board's hearing, comments and inquiries about the Project were received by Regional Planning and the Board offices related to light pollution, area crime, traffic, including the danger of making left turns into the Project due to line-of-sight issues, off-street parking issues, aesthetics, and property values. Both the Permittee and staff satisfactorily responded to the issues. Regarding traffic, a condition is included in the Project conditions requiring the Permittee to work with Public Works to address any concerns.
28. At the Board's hearing, Regional Planning staff briefly explained the Project followed by testimony in favor of the Project from the president of Brandywine and a representative of the country club. The Permittee's traffic engineer also testified, stating that initial and subsequent traffic studies showed no significant impact from the Project and no need for a traffic signal at the intersection of Bramblebush Avenue and Telegraph Road. He further stated, however, that the Permittee proposed, and agreed to build, an acceleration lane on Telegraph Road and an additional outbound lane on Bramblebush Avenue. Three members of the public spoke about the Project without indicating support or opposition to it. One of the Supervisors requested that the Permittee conduct an additional traffic study after build-out of the Project to re-assess at that time whether additional traffic mitigation measures were warranted. The Director of

Regional Planning responded that Regional Planning and Public Works would work with the Permittee to undertake such analysis.

29. The Board finds that with the requested Zone Change of the Project Site, a CUP is required to establish and implement a development program for the Project. The Board finds that the development program includes necessary safeguards to ensure completion of the Project by Brandywine and prevents substitution of a lesser type of development that would be contrary to the public convenience, welfare, or development needs of the area.
30. The Board finds that the Project conditions include those required by Section 22.40.070 of Title 22 of the County Code. These include: (1) no building or structure of any kind except a temporary structure used only in the development of the property according to the program shall be built, erected, or moved onto any part of the property; (2) no existing building or structure which, under the program, is to be demolished shall be used; (3) no existing building or structure which, under the program, is to be altered shall be used until such building or structure has been so altered; (4) all improvements shall be completed prior to the occupancy of any structures; and, (5) where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
31. The Board finds that the proposed residential use will be consistent with the neighborhood's residential character and the creation of two multi-family residential lots is compatible with the existing neighborhood character and the land use in the community.
32. The Board finds that compatibility with the surrounding land uses will be ensured through the Zone Change and the CUP.
33. The Board finds that the proposed use will be consistent with the following 1990 adopted General Plan policies: (1) "encourage development of well-designed town houses and garden apartments, particularly on by-passed parcels within existing urban communities;" and (2) "protect the character of residential neighborhoods by preventing the intrusion of incompatible uses that would cause environmental degradation such as excessive noise, noxious fumes, glare, shadowing, and traffic."
34. The Board finds that the housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the 1990 General Plan.
35. The Board finds that the proposed use is consistent with the existing neighborhood pattern and that the Project is consistent with the surrounding

residential character in the unincorporated community of South Whittier. Within 500 feet of the country club, there are apartments and 7 townhome developments ranging from 10 to 65 units.

36. The Board finds that, with implementation of mitigation measures, the Project will not cause substantial environmental damage nor substantial and unavoidable injury to fish or wildlife or their habitat. The subject property is not located within an adopted Significant Ecological Area and will not affect any stream courses or high value riparian habitat.
37. The Board finds that the Permittee is subject to payment of the California Department of Fish and Wildlife fees pursuant to section 711.4 of the California Fish and Game Code.
38. The Board finds that the MND reflects the independent judgment and analysis of the Board.
39. The Board certifies that at the conclusion of its public hearing, it determined, based on the whole record, that there was no substantial evidence that, with implementation of mitigation measures, the Project would have a significant effect on the environment, adopted the MND, and found that the MMRP was adequately designed to ensure compliance with the mitigation measures prepared in conjunction with the MND, and identified in detail how compliance with its measures would mitigate or avoid potential adverse impacts to the environment from the Project. The Board further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this Project is conditioned on the Permittee's compliance with the attached conditions of approval, and with the conditions of the Vesting Map, and MMRP.
40. Based on the foregoing, the Board finds that the condominiums and related development on the Project Site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and, will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The Board further finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, and other development features prescribed in Title 22 of the County Code, or as is otherwise required to integrate the Project with the uses in the surrounding area, and that the Project Site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate, and by other public or private service facilities as are required.
41. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of

Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Department of Regional Planning.

NOW THEREFORE, THE BOARD OF SUPERVISORS:

1. Certifies that the MND for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered, approved, and adopted the MND at the conclusion of its hearing on the Project; certifies that the MND reflects the independent judgment and analysis of the Board as to the environmental consequences of the Project; and, certifies that it approved and adopted the MMRP, finding that, pursuant to section 21081.6 of the California Public Resources Code, that the MMRP is adequately designed to ensure compliance with the mitigation measures; and
2. Approves Conditional Use Permit No. 2014-00028-(4) and Parking Permit No. 2014-00009-(4), subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NO. R2014-00667-(4)
CONDITIONAL USE PERMIT NO. 2014-00028-(4)
PARKING PERMIT NO. 2014-00009-(4)**

1. This grant for Conditional Use Permit No. 2014-00028-(4) ("CUP") and Parking Permit No. 2014-00009-(4) ("Parking Permit") authorizes development of a 53-unit residential condominium development with 12 buildings, containing between 2 and 6 dwelling units each, as well as a club house, recreation area, and community garden.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 10, and until all required monies have been paid pursuant to Condition Nos. 12, 14, and 17. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 7, 8, 11, and 14 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
5. Except as modified herein, this grant is subject to the requirements of Title 22 of the County Code ("Zoning Ordinance").
6. This grant is subject to the conditions of Vesting Tentative Tract Map No. 072684-(4) and the Mitigation Monitoring and Reporting Program ("MMRP") prepared in conjunction with the Mitigated Negative Declaration ("MND") for the project.
7. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.

8. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

9. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
10. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. The permittee shall also submit evidence that the MMRP and the conditions of the related Vesting Map have been recorded in the office of the Recorder and that all fees required by Condition Nos. 14 and 17 have been paid.
11. The CUP and Parking Permit shall expire unless used within two years after the recordation of a final map for the Vesting Map. In the event that the Vesting Map should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
12. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development

undertaken on the subject property is in accordance with the approved site plan on file. Inspection fees shall be deposited with the County as required by Condition No. 17. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for four annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the recovery cost at the time any additional inspections are required, whichever is greater.

13. Prior to the issuance of any building permit(s), the permittee shall remit all applicable library facilities mitigation fees to the County Librarian, pursuant to Chapter 22.72 of the County Code. The permittee shall pay the fees in effect at the time of payment, pursuant to Section 22.72.030. Questions regarding fee payment can be directed to the County Librarian at (562) 940-8430. The permittee shall provide proof of payment upon request from Regional Planning.
14. Within three days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the California Fish and Game Code, currently \$2,285 (\$2,210.00 for a Mitigated Negative Declaration plus \$75.00 processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
15. The permittee shall comply with all mitigation measures identified in the MMRP, which are incorporated by this reference as if set forth fully herein, and a copy of which is attached hereto.
16. Within 30 days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the MMRP and agrees to comply with the mitigation measures imposed by the MND for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring

reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.

17. The permittee shall deposit an initial sum of \$6,000 with Regional Planning within 30 days of the date of final approval of this CUP and Parking Permit to defray the cost of reviewing the permittee's reports and verifying the information contained in the reports required by the MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
18. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
19. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
20. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") to the satisfaction of said department.
21. All development pursuant to this grant shall comply with the requirements of the Zoning Ordinance and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," dated November 19, 2014, or a revised Exhibit "A" approved by the Director of Regional Planning ("Director"). If changes to the site plan are required as a result of instruction given at the public hearing, five copies of a modified Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval.
22. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit five copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.
23. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
24. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the project or its amenities or that do not provide pertinent information

about the project site. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

25. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

PERMIT SPECIFIC CONDITIONS--CUP

26. A minimum 10-foot building separation shall be maintained between each of the residential buildings.
27. The permittee shall submit a landscaping plan for all open areas on the project site to the Director for review and approval. Landscaping must be installed prior to recordation of the final map.
28. This grant authorizes modifications to front-yard setbacks for Dwelling Unit Nos. 11, 20, 21, 25, 26, and 29 as depicted on Exhibit "A" from what would be required by the Zoning Ordinance as follows: Unit Nos. 11, 21, 25, and 29 shall maintain a minimum 10-foot front yard setback; and Unit Nos. 20 and 26 shall maintain a minimum 12-foot front yard setback.
29. This grant authorizes a modification to the front-yard setback for trash enclosures located adjacent to Telegraph Road and Honeysuckle Lane within Lot No. 1 as depicted on Exhibit "A" from what would be required by the Zoning Ordinance to allow for a zero-foot setback of the trash enclosures.
30. This grant authorizes modification to the wall height within front yards of Lot No. 1 from what would be required by the Zoning Ordinance to allow fences up to six feet in height along Telegraph Road and Honeysuckle Lane.
31. This grant authorizes modification to the wall height within the side yards of Lot No. 2 from what would be required by the Zoning Ordinance to allow fences up to 16 feet in height along Telegraph Road.
32. This grant authorizes modification to the side yard setback for the bicycle rack located within Lot No. 2 from what would be required by the Zoning Ordinance to allow a minimum two-foot side yard setback.
33. No building or structure of any kind not identified on the approved Exhibit "A", except a temporary structure used only in the development of the property, shall be built, erected, or moved onto any part of the project property.
34. No existing building or structure that is to be demolished under the development program shall be used in the project.

35. No existing building or structure which, under the development program is to be altered, shall be used at the Project Site until such building or structure has been so altered.
36. All improvements identified on the approved Exhibit "A" shall be completed prior to the occupancy of any structures.
37. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.

PERMIT SPECIFIC CONDITIONS – PARKING PERMIT

38. The project shall provide 18 guest parking spaces, which exceeds the minimum required guest parking by six spaces.
39. Four of the 18 guest parking spaces shall be provided on Lot No. 1, which is a reduction of one required guest parking space for said Lot.
40. This grant authorizes relocation of that required guest parking space from Lot No. 1 to Lot No. 2, which shall provide 14 guest parking spaces.
41. This grant authorizes modification of the required size of the two parallel parking spaces identified on the approved Exhibit "A" and located on Lot No. 1 to 10 feet by 22 feet.
42. The Project shall include on each lot, as part of the 18 guest parking spaces, a van-accessible disabled parking space.

Attachment:
Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM (MMIRP)
PROJECT NO. R2014-00667-(4) / TENTATIVE TRACT MAP NO. 072684 / ENV NO. 201400058 - DRAFT

#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
4.1	Biological Resources	<p>Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1 – August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted.</p> <p>If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys shall conduct weekly bird surveys beginning thirty days prior to the initiation of project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found, the project proponent shall delay all project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, shall be instructed on the sensitivity of the area. The project proponent shall provide the Department of Regional Planning the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.</p>	Breeding bird survey	Prior to grading or ground disturbance	Owner/applicant	Regional Planning

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
PROJECT NO. R2014-00667-(4) / TENTATIVE TRACT MAP NO. 072684 / ENV NO. 201400058 - DRAFT

#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
		<p>If the biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (e.g., species specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the Department of Regional Planning (DRP) and, upon request, the California Department of Fish and Wildlife (CDFW). Based on the submitted information, the Department of Regional Planning (and the CDFW, if the CDFW requests) will determine whether to allow a narrower buffer.</p> <p>The biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fall due to project activities. The biological monitor shall send weekly monitoring reports to the Department of Regional Planning during the grubbing and clearing of vegetation, and shall notify the Department of Regional Planning immediately if project activities damage active avian nests.</p> <p>Special-Status Roosting Bats—To avoid the direct loss of bats that could result from disturbance to trees or structures that may provide maternity roost habitat (e.g., in cavities or under loose bark) or structures that contain a hibernating bat colony, the following steps shall be taken:</p> <ul style="list-style-type: none"> • To the extent feasible, demolition or disturbance to suitable bat roosting habitat shall be scheduled between October 1 and February 28, outside of the maternity roosting season. • If trees must be encroached during the maternity season (March 1 to September 30), or structures must be removed at any time of the year, a qualified bat specialist shall conduct a pre-construction survey to identify those trees or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats. 				

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#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
		<ul style="list-style-type: none"> • Each tree or structure identified as potentially supporting an active maternity roost and each structure potentially supporting a hibernating colony shall be closely inspected by the bat specialist no greater than 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats. • If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, it is preferable to bring down trees or structures in a controlled manner using heavy machinery. In order to ensure the optimum warning for any roosting bats that may still be present, the trees or structures shall be nudged lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. Trees or structures may then be pushed to the ground slowly under the supervision of a bat specialist. Felled trees shall remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts shall not be sawn up or mulched immediately. A period of at least 48 hours shall elapse prior to such operations to allow bats to escape. Bats shall be allowed to escape prior to demolition of buildings. This may be accomplished by placing one way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building. • Maternity season lasts from March 1 to September 30. Trees or structures determined to be maternity roosts shall be left in place until the end of the maternity season. A structure containing a hibernating colony shall be left in place until a qualified biologist determines that the bats are no longer hibernating. <p>The bat specialist shall document all demolition monitoring activities and prepare a summary report to the County upon completion of tree disturbance or building demolition activities. If Townsend's big-eared bat is detected during pre-construction surveys, all construction-related activity shall be halted immediately and CDFW shall be notified. Work may only resume subsequent to CDFW approval.</p>				

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
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#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
5.1	Cultural Resources	<p>Bat Relocation—If confirmed occupied or formerly occupied bat roosting habitat is destroyed, artificial bat roosts of comparable size and quality shall be constructed and maintained at a suitable undisturbed area. The design and location of the artificial bat roosts shall be determined by the bat specialist in consultation with CDFW.</p> <p>In exceptional circumstances, such as when roosts cannot be avoided and bats cannot be evicted by non-invasive means, it may be necessary to capture and transfer the bats to appropriate natural or artificial bat roosting habitat in the surrounding area. Bats raising young or hibernating shall not be captured and relocated. Capture and relocation shall be performed by the bat specialist in coordination with CDFW, and shall be subject to approval by DRP and CDFW.</p> <p>A monitoring plan shall be prepared for the replacement roosts, which shall include performance standards for the use of the replacement roosts by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats.</p> <p>Annual reports detailing the success of roost replacement and bat relocation shall be prepared and submitted to DRP and CDFW for five years following relocation or until performance standards are met, whichever period is longer.</p>	Provide written evidence to the Director of Regional Planning, or designee that a qualified archaeologist has been retained.	Prior to issuance of a grading permit.	Owner/applicant	Regional Planning
5.2	Cultural Resources	<p>Prior to commencement of any grading activity on site, the owner/applicant shall provide written evidence to the Director of Regional Planning, or designee that a qualified archaeologist has been retained. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register, plans for the treatment, evaluation, and mitigation of impacts to the find would need to occur.</p>	Provide written evidence to the Director of Regional Planning, or designee that a qualified paleontologist has been retained.	Prior to issuance of a grading permit.	Owner/applicant	Regional Planning

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
PROJECT NO. R2014-00667-4) / TENTATIVE TRACT MAP NO. 072684 / ENV NO. 201400058 - DRAFT

#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
5.3	Cultural Resources	If human remains are encountered during excavation activities, all work shall halt and the County Coroner shall be notified (California Public Resources Code §5097.98). The Coroner will determine whether the remains are of forensic interest. If the Coroner, with the aid of the County-approved Archaeologist, determines that the remains are prehistoric, s/he will contact the Native American Heritage Commission (NAHC). The NAHC shall be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD shall make his/her recommendation within 48 hours of being granted access to the site. The MLD's recommendation shall be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials (California Health and Safety Code §7050.5). If the landowner rejects the MLD's recommendations, the landowner shall rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (California Public Resources Code §5097.98).	If human remains are encountered during excavation activities, all work shall halt and the County Coroner shall be notified.	During grading activities.	Owner/applicant	County Coroner, NAHC, Regional Planning, or designee.
9.1	Hazards and Hazardous Materials	In the event that field personnel encounter any presence of on-site contamination, all work shall halt and the Regional Water Quality Control Board or Fire Department must be contacted to obtain information on the requirements for assessment and mitigation for on-site contamination issues.	Submittal of compliance report.	Prior to issuance of a building or grading permit.	Owner/applicant	Regional Planning, Regional Water Quality Control Board, Fire Department, or designee
9.2	Hazards and Hazardous Materials	In the event that field personnel encounter any presence of methane, all work shall halt and the California Division of Oil, Gas, and Geothermal Resources (DOGGR) district office must be contacted to obtain information on the requirements to perform remedial operations, plans for the treatment, evaluation, and mitigation of impacts.	Submittal of compliance report.	During grading activities.	Owner/applicant	Regional Planning, California Division of Oil, Gas, and Geothermal Resources (DOGGR), Fire Department, or designee
12.1	Mineral Resources	If any oil wells, including any plugged, abandoned or unrecorded wells, are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, all work shall halt and the California Division of Oil, Gas, and Geothermal Resources (DOGGR) district office must be contacted to obtain information on the requirements and approval to perform remedial operations.	Submittal of compliance report.	During grading activities.	Owner/applicant	Regional Planning, California Division of Oil, Gas, and Geothermal Resources (DOGGR), Fire Department, or designee

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
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#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
12.2	Mineral Resources	Due to presence of abandoned oil wells within the project area and to ensure proper review of the proposed project, applicant shall contact DOGGR's district office for construction-site plan review.	Submittal of site plans to DOGGR's district office for review after map recordation. Submittal of compliance report to Regional Planning.	Prior to issuance of a building or grading permit.	Owner/applicant	Regional Planning, California Division of Oil, Gas, and Geothermal Resources (DOGGR), or designee
19	Mitigation Compliance	As a means of ensuring compliance of all above mitigation measures, the owner/applicant and subsequent owner(s) are responsible for submitting an annual mitigation compliance report to the Department of Regional Planning for review and replenishing the mitigation monitoring account if necessary until such time as all mitigation measures have been implemented and completed.	Submittal and approval of annual mitigation compliance report. Replenishment of mitigation monitoring account as required.	Yearly and as required until all measures are completed.	Owner/applicant	Regional Planning

* In the "#" column, the number before the decimal corresponds with the chapter number in the initial study.

MITIGATION MONITORING AND REPORTING PROGRAM
PROJECT NO. R2014-00667 / VESTING TENTATIVE TRACT MAP NO. 072684 / ENV NO. 201400058

The Department of Regional Planning staff has determined that the attached mitigation measures for the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

The permittee shall deposit the sum of \$6,000.00 with the Department of Regional Planning within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring and Reporting Program.

As the applicant, I agree to incorporate these mitigation measures into the project, and understand that the public hearing and consideration by the Hearing Officer and/or Regional Planning Commission will be on the project as mitigation measures.

[Signature]
Applicant

8-3-2015
Date

[Signature]
Staff

7-23-2015
Date